



THE FLORIDA STATE UNIVERSITY
UNIVERSITY POLICE DEPARTMENT

December 22, 2009

Charles Engstrom
Area Case Director, Federal Student Aid
School Participation Team – Atlanta
61 Forsyth Street, SW, Suite 18T20B
Atlanta, GA 30303

Re: Program Review Report
OPE ID: 00148900
PRCN: 200920426957

Mr. Engstrom,

In response to the program review report: OPE ID 00148900 / PRCN 200920426957 the Florida State University submits the following information to satisfy the items listed as noncompliance from the February 2009 site visit. The corrective actions expressed in this summary were prepared with cooperation from the Florida State University Police Department, Housing Office, Student Affairs and Facilities department.

Finding #1: Failure to Properly Code Crime Statistics

I. 5 Aggravated Assaults

During the site visit random cases were checked by DOE reviewers and they discovered an aggravated battery case that should have been coded as an aggravated assault, but was not. This was brought to the attention of Lt. Trumbower who had compiled the crime statistics per Clery. Lt. Trumbower did not recall that report when compiling his numbers which concerned him. He checked his records and notes and discovered that not only was that case miscoded, but four other aggravated battery cases on the same list were as well. Lt. Trumbower immediately brought this to the analyst's attention and self reported the additional four reports. He also explained the oversight on his part which was likely facilitated by the following additional factors:

In Florida assaults and batteries are two distinct and separate charges. It is clear however that any aggravated battery reports are to be reported as aggravated assaults for the purposes of UCR/Clerk. FSUPD's record management system at the time (ARMS) had several different codes for batteries, which were separate from assaults. In addition, when the lists of different batteries were printed the title of the specific

battery would not be present on the list, only battery. Thus, Lt. Trumbower would print each kind of battery and write on the top of the folder what specific type it was; this way he could separate what needed to be coded as aggravated assaults. So for example, battery on a Law Enforcement Officer, simple battery and aggravated battery would all just list as battery. Lt. Trumbower had several stacks of different codes as he prepared to tabulate the numbers and accidentally marked the aggravated battery folder as simple batteries and dismissed them from his count (simple batteries are not reported as aggravated assaults per UCR/Clerk). Again, this was reported immediately to the analysts on site.

The cumbersome process by an inflexible records management system enhanced the likelihood for statistical errors when compiling data.

II. 3 Burglaries

During the site visit we discussed with the inspectors the difference between a burglary and theft from a building. We were told by analysts that they would check with their FBI counterpart and contact us when they had a more definitive answer on the specifics regarding burglary vs. theft from building cases. We did not receive any information or guidance on the matter after the discussion. Below is UCR's definition of both and are excerpts from the current UCR handbook:

Burglary-Unlawful Entry-No Force

The entry of a structure in a burglary / unlawful entry-no force situation is achieved by use of an unlocked door or window. The element of trespass to the structure is essential in this category, which includes thefts from open garages, open warehouses, open or unlocked dwellings, and open or unlocked common basement areas in apartment houses where entry is achieved by other than the tenant who has access.

Theft from Buildings

Definition: A theft from within a building that is open to the general public and where the offender has legal access.

The category theft from a building includes thefts from such places as churches, restaurants, schools, libraries, public buildings, and other public and professional offices during the hours when such facilities are open to the public. This category does not include shoplifting and thefts from coin operated devices or machines within open buildings; these must be classified according to their separate larceny categories.

FSU's interpretation of the information from the Clery Handbook is that Florida State University is a public university, open to the public, therefore if thefts from a building are reported occurring during daytime or business hours they generally counted as such. However if a residence hall room is entered and law enforcement cannot identify the suspect as a roommate or someone with a lawful right to be inside, it is coded as a burglary. If an office with a closed or locked door is entered, that is also counted as burglary. In cases where there are several days between the time something was discovered missing and the time it was reported to us, we have had to look at each individual case and make an the best decision to fit the circumstances decision.

The three cases that were cited during the site review all occurred during business hours, in public buildings and offices. In one case, a suspect was identified and warrants were issued for his arrest, however the charge was for grand theft not for burglary because he did not enter the building unlawfully or trespassed at the time the crime was committed.

In an attempt to obtain the most current and accurate information related to Clery Lt. Trumbower attended an advanced Clery Act training session put on by Dolores Stafford and Associates in Atlanta, GA in September of this year. Lt. Trumbower reported that the topic of theft from buildings versus burglaries came up several times and was the most debatable and unclear subject discussed in the two day training session. Most people attending the class, including the instructor Chief Stafford, felt that there is no clear cut line or guidance on this topic as it pertains to college campuses. Attendees and the instructor submitted it would be extremely helpful if the Federal Bureau of Investigations or Department of Education would provide more guidelines and input on this topic.

III. 1 Forcible Sex Offense

In the state of Florida, if a person's touched in a private body part by another person for sexual gratification, the charge would be simple battery.* Unfortunately in this case that was cited, the report was labeled a battery by the officer. This classification was accurate for our purposes state classification according to Florida Criminal Statutes, however was wrong for UCR/Clery and should have been reported as a forcible fondling. This case was overlooked because it was titled a simple battery which is not a Clery reportable offense.

*A sexual battery must involve a direct contact with genitalia. Touching someone through clothing, i.e. grabbing a buttocks, is not a sexual battery.

Finding #1 Responsive Actions Taken

The 5 aggravated assaults and the forcible fondling were added to the 2009 Seminole Safety & Fire Guide, page 14 under the 2007 statistics. They were also reported to the Department of Education for their annual report.

The Florida State University Police Department is still waiting to receive more guidance and updates on burglaries vs. thefts from buildings. There is clearly no attempt to misrepresent the crimes listed but rather report the most accurate information possible per the guidelines.

On March 9th, 2009 FSUPD staff met with Chief Perry to discuss the updates and changes already made per recommendations from the site visit. During the meeting additional procedures were discussed and implemented to improve our process. The following are actions taken and immediately activated to ensure that the most accurate data will be reported:

- A new records management system is totally functional. Spillman Technologies is the departments new report management system and now facilitates compiling all of FSUPD's crime statistics. This system makes it much easier to compile accurate data according to UCR standards. FSUPD can now review reports and place the proper UCR code on the face sheet of the report without changing the nature or subject of the report. The old system (ARMS) did not have that capability which made it difficult to compile statistics.
- New measures are now in place to ensure reports are being coded accurately. After a report is reviewed by a supervisor it is reviewed by our records manager and also our investigations commander. Both of which will change the UCR code if needed to accurately reflect the information contained in the report. Additionally the Accreditation and Compliance Lieutenant conducts a monthly review of all cases. After all of the reviews have been completed, the Support Services Lieutenant compiles Clery crimes monthly rather than annually. A face sheet is then attached with a monthly count total of all incidents/cases. This improvement greatly adds to the accuracy and calculation process.
- Case reviews have expanded to include anything that may be associated with Clery. Some examples are: petit thefts, fire alarms, suspicious persons, special assignments and investigations. Lt. Trumbower teamed with other staff to read over 2000 police reports from 2008 to ensure there were no incidents that were miscoded for the 2009 Seminole Safety & Fire Guide.
- The above steps are mentioned in our new Campus Crime Reporting Policy which is attached to this report.

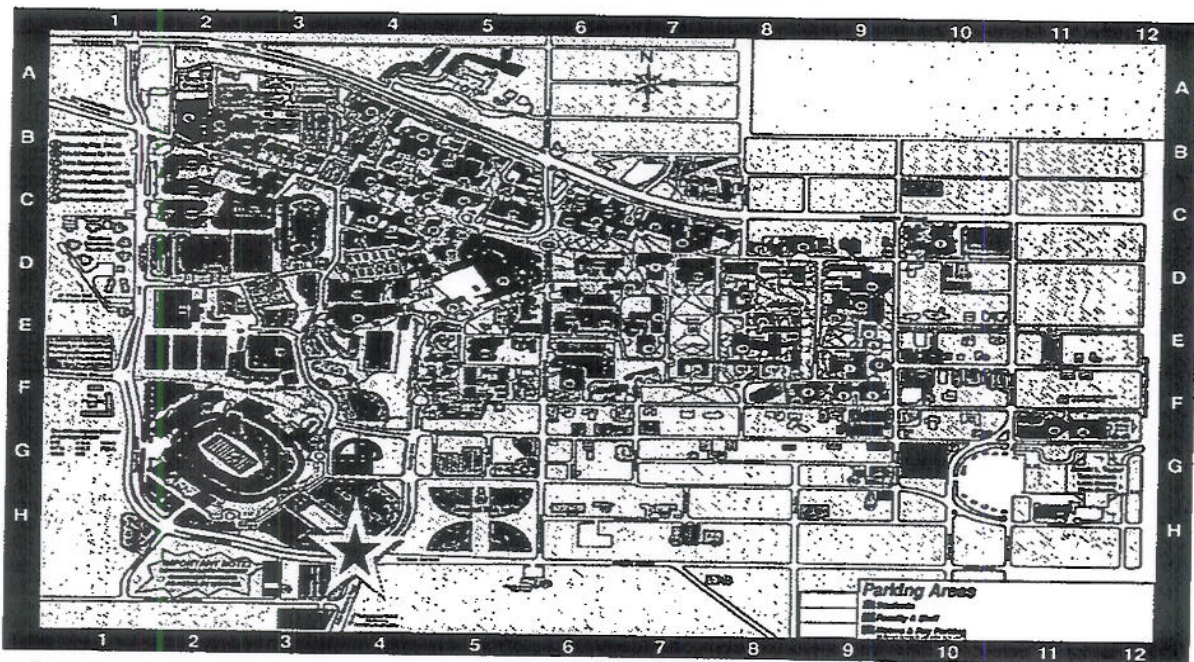
Finding #2: Failure to Properly Define the campus in Accordance with Federal Regulations

During the on-site visit, Lt. Trumbower provided an extensive tour of the campus and related facilities not in close proximity to the main campus. During that tour he

spent a few hours driving around properties and describing our campus explaining the challenges of defining certain areas. In addition to the tour, Lt. Trumbower provided a campus map produced by FSU Facilities and Space Management that is used by the University to define the campus. The map is titled "Main Campus". The National High Magnetic Field Laboratory and the FSU Golf Course are owned by the University however they are not located on our main campus, as reflected by our map titled "Main Campus". This was explained by Lt. Trumbower to the assessors not only during the tour, but also using the campus map. The assessors agreed at the time that those properties mentioned are not geographically contiguous to the main campus and should be counted as non-campus property.

Finding #2 Responsive Actions Taken

The Florida State University does not recognize these buildings and facilities as part of their main campus, thus when Clery reportable crimes occur on these properties they are counted as non-campus. Below is an image of the map shown to analysts during the site visit:



Reflects the closest intersection from FSU's main campus to the properties listed below. The distances between the two are noted.

National High Magnetic Field Laboratory – 2 miles

The FSU Golf Course – 2.5 miles

Finding #3: Failure to Maintain Daily Crime Log in Accordance with Federal Regulations

Before the site visit FSU provided a Daily Crime Log accessible through the FSUPD website titled "Police Log". By clicking on police log one could search up to 60 days and find the nature of an offense, when it was reported, the case number and the location. This information was generated directly from the records management data and was real time. It was noted during the visit that the application was missing a disposition column.

Finding #3 Responsive Actions Taken

This was an oversight in the construction of the police log. The disposition column was added just days after the site visit. The search option was expanded to 90 days to provide additional detail. The information can be viewed at anytime by visiting the FSUPD Website at www.police.fsu.edu and clicking Police & Fire Log.

Finding #4: Internal Control Weakness in Clery Policies & Procedures

In compliance with Clery Act regulations, University Housing at Florida State University reports cases of alcohol violations by on campus students that are documented by housing staff where FSU police have not been involved and no FSU police report has been generated.

Finding #4 Responsive Actions Taken

Given the deficiencies noted in a recent audit of our record keeping efforts the following improvements have been initiated:

1. University Housing will report all cases of SCC 5(g)5 violations (providing alcoholic beverages to an individual under the age of 21) that are documented by housing.
2. All University Housing related conduct cases pertaining to Clery reportable criteria, for which a police report has not been generated, will have an electronic file entered into the Adirondack Solutions Judicial Officer database system, and a corresponding and complete hard copy file maintained by University Housing.
3. The Assistant Director for Residence Life and the Assistant Coordinator for Residence Life Conduct will conduct periodic audits of hard copy and electronic conduct case files managed by housing staff to insure that they are complete and filed appropriately.

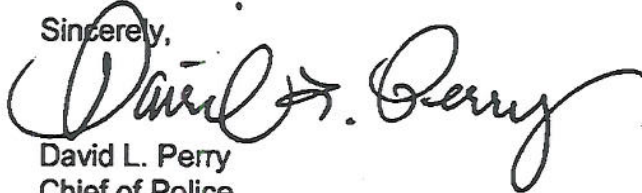
4. Housing staff will continue to be trained on our responsibilities in reporting Clery statistics and how to enter cases electronically into the Adirondack Solutions Judicial Officer software system to facilitate the accurate reporting of associated figures.
5. The Assistant Director for Residence Life has been meeting with representatives from FSUPD regarding modifications to our Clery reporting practices for the future to insure that all required cases are included for the most complete and accurate report possible.
6. The Assistant Director for Residence Life is currently working with Adirondack Solutions Judicial Officer developers and technology professionals at Florida State to upgrade our current Judicial Officer program with the most advanced copy of the software. Once that is completed, University Housing intends to explore the use of the Adirondack Solutions Judicial Officer system as the method of reporting housing related incidents for which an FSU Police report is not generated. At present, such incidents are reported on paper only and are difficult to track until they are entered into Adirondack as a result of the initiation of a conduct process. Through electronic reporting of housing incidents by responding staff, the Assistant Director for Residence Life and Assistant Coordinator for Residence Life Conduct will be better equipped to track such cases from the date of the incident through completion of the conduct case and increase the accuracy of our Clery report numbers.
7. University Housing will work with campus partners including representatives of the Dean of Students Office and FSUPD to insure that our records are as complete as possible and our Clery statistics reported thoroughly and completely.

Finding #5 and Responsive Actions Taken: Required Policy Omitted from Campus Security Report (CSR)

The FSUPD has created a policy titled "Campus Crime Reporting" and has been attached to this report. In it we give a brief description explaining who prepares the report, how the statistics are collected and from what source. In addition, we added a brief description above each crime statistics chart in our Seminole Safety Guide, explaining how the statistics were gathered.

The Florida State University appreciates the opportunity to respond to the items highlighted by the Assessment Review. FSU intends to comply with established standards provided by the Department of Education. Additionally staff will continue to attend the most up to date training to facilitate compliance.



Sincerely,

A handwritten signature in black ink, appearing to read "David L. Perry". The signature is fluid and cursive, with a large initial "D" and a stylized "P".

David L. Perry
Chief of Police
Florida State University

cc: T. K. Wetherell, Florida State University, President's Office
Mr. Daryl Marshall, Director of Financial Aid, Florida State University

DL:sl

	Florida State University Police Department	
Campus Crime Reporting		
Date: 12/18/2009	General Order 09-03B	Attachments: None
Rescinds/Amends: New General Order	Distribution: Department Wide	CFA Reference:
	Pages: 3	N/A

Contents

Policy – Page 1

09-03B-01 – Campus Crime Reporting Policy

Procedure – Page 1 & 2

09-03B-02 – Annual Report

09-03B-03 – Daily Crime and Fire Log

Glossary –page 2

Index- Page 2

Policy

09-03B-01 – Campus Crime Reporting Policy

A. It shall be the policy of the Florida State University Police Department to adhere to the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act.

Procedure

09-03B-02 – Annual Report

B. **Review.** The Support Services Lieutenant shall be responsible for the publication of the Seminole Safety and Fire Guide. The guide shall be reviewed and updated annually. Before the guide review, all reports shall be checked by the Records Manager and Investigations Commander to ensure proper coding. Additionally, the Support Services Lieutenant and Accreditation and Compliance Lieutenant shall read through cases that could be Clery Reportable and make any necessary modifications. The Seminole Safety and Fire Guide will be published no later than October 1st of each year. The review of the annual report will start at the beginning of the calendar year by

1. Obtain an updated list of all Florida State University owned or controlled properties;
2. Contact all local and area law enforcement agencies to request needed Clery reportable crime stats information for inclusion in the report;

3. Collect all Clery reportable crimes reported to university officials, other than those also reported to FSUPD. Combine the collected crime statistics with the crimes reported by other law enforcement agencies.

4. Retrieve and review Clery reportable crime statistics reported to FSUPD;

5. Review all information in the Seminole Safety and Fire Guide for accuracy and ensure the information to be published is current, for example: alcohol/drug policies, reporting methods, crime prevention information, security information, agency names, URL's, phone numbers, etc.

C. **Publication.** The primary means of publication will be through .pdf files available on the department's website. All students, staff, and faculty will be notified by mass email of the availability of the Seminole Safety and Fire Guide. The email will contain the exact URL of the document. The notification will also inform the receipts that a paper copy of the report will be made available upon request.

D. **Reporting to the Department of Education.** The Support Services Lieutenant shall consult with the appropriate university official for the purpose of preparing a detailed report of applicable crime statistics to be electronically submitted to the Department of Education per federal guidelines.

09-03B-03 – Daily Crime & Fire Log

E. The Support Services Lieutenant shall check the crime and fire Log periodically to ensure it's functioning properly and linked with the most up to date cases within our records management system.

F. The daily crime and fire log will be made available twenty-four hours a day, seven days a week the crime log information is available via two methods; there is an electronic version of the crime and fire log made available through a link on the department's website and a paper copy will be available in the lobby of the FSU Police department.

G. The daily crime and fire log will contain the report number, report date, report time, crime type, crime date, crime location, and disposition.

Glossary

Jeanne Clery Act- is the landmark federal law, originally known as the Campus Security Act, that requires colleges and universities across the United States to disclose information about crime on and around their campuses.

Indexing

Campus Crime Reporting Act
Seminole Safety Guide
Safety Guide
Crime and Fire Log
Clery Act
Timely Warning

JDT 12/18/09 Filed: General Order 09-03B

Title: Campus Crime Reporting

Approved:


David L. Perry, Chief

Effective Date:

12/18/09